

## ARCHITECTS SECTION MEETING

### MINUTES

The Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on October 27, 2010, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

James R. Boyd  
Michael F. LeMay

Staff present for all or part of the meeting were:

Mark N. Courtney, Deputy Director of Licensing and Regulation Division  
Kathleen R. Nosbisch, Executive Director  
Marian Brooks, Board Administrator  
Justin Garofalo, Board Administrator  
Amy Goobic, Administrative Assistant  
Earlyne Perkins, Legal Analyst

J. Everette Fauber, III, board member was not present at the meeting.

Gordon N. Dixon, Director, was not present at the meeting.

Steven Jack, was present from the Office of the Attorney General.

Mr. Boyd, Chair, called the meeting to order at 9:02 a.m.

Mr. Boyd advised the Section of the emergency evacuation procedures.

Mr. LeMay moved to approve the agenda. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

Duncan Abernathy, of the Virginia Chapter of the AIA, was present to address the Section regarding unlicensed practice and the Board's authority. Discussion included advertising of architectural services in yellow page books with Mr. Abernathy reporting that he researched 3 yellow page books from Northern Virginia, finding 163 entries that were not licensed. Mr. Abernathy inquired about the authority of the Board in restricting this practice. Mr. Courtney commented that with regards to the yellow page listings, the agency cannot determine who puts the listing under "architect," therefore it would not be an efficient use of time for the investigation staff. Mr. Boyd stated that DPOR is a complaint driven agency, no action is taken until a complaint is made.

#### **Call to Order**

#### **Emergency Evacuation Procedures**

#### **Approval of Agenda**

#### **Public Comment Period**

Mr. Morris was present to address the Section. Mr. Morris gave further explanation on statements he made during the IFF.

**File Number 2010-  
01087, Richard C.**

**Morris**

Regarding **File Number 2010-01087, Richard C. Morris**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. LeMay recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-760.B.1; 18VAC10-20-760.B.3; and 18VAC10-20-760.B.4 (Count 1 – three violations). Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay.

Ms. Perkins informed the section that Mr. Morris had no prior violations.

Discussion was held on the amount of the monetary penalties recommended by the presiding Board member. Mr. LeMay moved to reduce the monetary penalty on the first violation of Count 1 from \$500.00 to \$250.00. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay. Mr. LeMay moved to reduce the monetary penalty on the second violation of Count 1 from \$150.00 to \$50.00. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay. Mr. LeMay moved to reduce the monetary penalty on the third violation of Count 1 from \$500.00 to \$250.00. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay. The total monetary penalty for the violations is \$550.00.

Regarding **File Number 2010-01390, Thomas Mullinax**, Mr. LeMay was informed it was not yet confirmed that Mr. Mullinax had received his participant letter and copy of the Informal Fact-Finding Summary. Mr. LeMay recommended that the Section defer the case to the full Board meeting December 16, 2010, in order for Mr. Mullinax to receive due process. As the presiding Board member, Mr. Boyd was not present during the discussion.

**File Number 2010-01390, Thomas Mullinax**

The Section members reviewed a revised copy of the letter to Bert Jones, Department of General Services, regarding concerns that the Architect Section has with current Capital Outlay procedures. Mr. Jack recommended adding "unless otherwise exempt" to the final paragraph. Mr. LeMay moved to approve the letter as amended. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd and LeMay. The letter will be presented at the APELSCIDLA Board meeting, December 16, 2010, for final approval.

**Review of Correspondence to Bert Jones, Department of General Services**

The Section members viewed a video posted by NCARB on You Tube regarding the ARE.

**NCARB**

Ms. Nosbisch reported that she has participated in two presentations with NCARB focusing on IDP. The presentations were to architecture students at the University of Virginia and Hampton University.

Ms. Nosbisch also reported that she will be attending an NCARB MBE meeting on November 4 in New Orleans; she and Mr. Boyd will be attending an NCARB strategic planning session in New Orleans, November 5-6.

Section members reviewed Table 1 of the 1990 regulations as suggested at the July 27, 2010, section meeting for use in creating a schedule to be included in the regulations. Mr. Boyd stated that the Section should consider the addition of language to 18VAC10-20-110 that would allow domestic transcripts to be evaluated by Education Evaluation Services for Architects (EESA). The Section agreed that the Regulatory Review Committee should discuss.

**Regulatory  
Review Update**

Ms. Nosbisch recognized and congratulated Mr. Boyd and Mr. Abernathy for receiving the AIA Award for Distinguished Achievement.

**Other Business**

Conflict of Interest forms were completed by all members present.

**Conflict of  
Interest Forms**

There being no further business, the meeting was adjourned at 10:31 a.m.

**Adjourn**

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James R. Boyd, Chair

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Gordon N. Dixon, Secretary